

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>RZB FINANCE LLC,</b>	)	
	)	
Plaintiff,	)	
	)	No. 07 C 6603
vs.	)	Judge Milton I. Shadur
	)	Magistrate Judge Susan E. Cox
<b>PYRAMID STONE MFG., INC. and</b>	)	
<b>11 S. EISENHOWER, LLC,</b>	)	
	)	
Defendants.	)	

**PLAINTIFF'S MOTION TO AMEND ORDER FOR REPLEVIN**

Plaintiff RZB Finance LLC ("RZB" or "Plaintiff"), by its undersigned counsel, hereby moves to modify the Order for Replevin against Defendant Pyramid Stone Mfg., Inc. ("Pyramid Stone") that was entered on November 30, 2007. In support thereof, RZB states as follows:

1. On November 30, 2007, after a hearing on Plaintiff's Motion for Order for Replevin, this Court entered an Order for Replevin, a copy of which is attached hereto as Exhibit 1 ("Order for Replevin").

2. Under paragraph 3 of the Order for Replevin, this Court ordered that until such time as the Marshal shall take possession of the Collateral, or through Friday, December 7, 2007 at 5:00 p.m., whichever is earlier, Pyramid Stone is prohibited from making or allowing any transfer or other disposition of, or interfering with, the Collateral.

3. Under paragraph 1 of the Order for Replevin, this Court ordered that RZB shall post a bond of sufficient security in double the value of the Collateral, which the Court valued for the purposes of the Order for Replevin at \$2.4 million.

4. RZB is in the process of obtaining the necessary security and organizing its efforts with respect to the Collateral. RZB, however, envisions that it may need additional time to obtain the security, and that it may require that the Collateral remain at the Pyramid Stone facility for the near future pending a commercially reasonable sale of the Collateral.

5. RZB therefore requests that the Order for Replevin be modified to:

- (a) permit RZB until 5:00 p.m. on Friday, December 7, 2007, to deposit with the Clerk of the Court an irrevocable standby letter of credit in form and substance acceptable to this Court and of sufficient security in double the value of the Collateral, which the Court has already valued for purposes of the Order for Replevin at \$2.4 million (the "Letter of Credit");
- (b) order the United States Marshal, upon receipt of a copy of the Letter of Credit, to take the Collateral or any portion of it that may be found in the Marshal's jurisdiction and deliver it to RZB forthwith unless Pyramid Stone executes a bond and security in double the value of the Collateral.
- (c) temporarily prohibit and restrain Pyramid Stone from making or allowing any transfer or other disposition of, or interfering with, the Collateral from 9:25 a.m., November 30, 2007 until 5 p.m., December 7, 2007;
- (d) prohibit and enjoin Pyramid Stone from making or allowing any transfer or other disposition of, or interfering with, the Collateral upon RZB's deposit of the Letter of Credit with the Clerk of the Court; and
- (e) order that Pyramid Stone answer the Complaint by filing an answer and appearance on or before December 20, 2007 or, in case the Collateral or any part of it is not found, to answer to RZB for the value of the Collateral not found.

WHEREFORE, Plaintiff RZB Finance LLC respectfully requests that this Court enter the amended order for replevin in the form attached as Exhibit 2 hereto, and grant such other relief as this Court deems proper.

Respectfully submitted,

RZB FINANCE LLC

By /s/ William C. Meyers  
One of Its Attorneys

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